

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

GOODWIN PROCTER LLP
Attn. Us, Natasha
Exchange Place
Boston MA 02109
ETATS-UNIS D'AMERIQUE

**NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing
(day/month/year) 11/11/2008

Applicant's or agent's file reference

ZCO-120PC

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/US2008/002362

International filing date

(day/month/year) 22/02/2008

Applicant

Z CORPORATION

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO internet site.

Name and mailing address of the International Searching Authority



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Authorized officer

Donna-Marie Burns

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference ZCO-120PC	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2008/002362	International filing date (day/month/year) 22/02/2008	(Earliest) Priority Date (day/month/year) 22/02/2007
Applicant Z CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 2
☐ as suggested by the applicant
☒ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
 b. ☐ none of the figures is to be published with the abstract

A. CLASSIFICATION OF SUBJECT MATTER
 INV. B29C67/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHEDMinimum documentation searched (classification system followed by classification symbols)
B29C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 416 850 B1 (BREDT JAMES F [US] ET AL) 9 July 2002 (2002-07-09) column 3, line 41 - column 4, line 30 column 5, line 2 - line 15 column 7, line 53 - column 9, line 20 column 9, line 55 - line 67	1-4, 7, 8, 19, 22, 24
X	US 2004/038009 A1 (LEYDEN RICHARD NOEL [US] ET AL) 26 February 2004 (2004-02-26) paragraphs [0005], [0009], [0014], [0019], [0020], [0022], [0023], [0030], [0055] table 2 ----- -/--	1, 5-8, 19, 22, 24-27

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *Z* document member of the same patent family

Date of the actual completion of the international search

3 November 2008

Date of mailing of the international search report

11/11/2008

Name and mailing address of the ISA/

 European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040,
 Fax: (+31-70) 340-3016

Authorized officer

Ullrich, Klaus

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2005/023524 A (CORP Z [US]; BREDT JAMES F [US]; WILLIAMS DEREK X [US]; CLARK SARAH L) 17 March 2005 (2005-03-17) paragraphs [0012] - [0014], [0017], [0018], [0020], [0022], [0023], [0029], [0052] - [0056], [0062], [0070], [0078] - [0080] -----	1,5-27
X	US 2004/138336 A1 (BREDT JAMES F [US] ET AL) 15 July 2004 (2004-07-15) paragraphs [0015], [0017], [0027], [0032], [0033], [0036], [0038], [0041], [0042], [0049] - [0052] -----	1,6-8, 19-22, 24,25
X	US 2004/056378 A1 (BREDT JAMES F [US] ET AL) 25 March 2004 (2004-03-25) paragraphs [0014], [0016], [0032], [0043], [0060] -----	1
X	US 6 403 002 B1 (VAN DER GEEST ADRIANUS FRANCIS [NL]) 11 June 2002 (2002-06-11) column 1, line 4 - line 38 column 2, line 42 - column 3, line 34 -----	1

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 6416850	B1	09-07-2002	AT 211056 T 15-01-2002
		DE 69709374 D1	31-01-2002
		DE 69709374 T2	20-06-2002
		EP 0925169 A1	30-06-1999
		HK 1019866 A1	04-10-2002
		JP 2000505737 T	16-05-2000
		JP 3607300 B2	05-01-2005
		WO 9809798 A1	12-03-1998
		US 5902441 A	11-05-1999
US 2004038009	A1	26-02-2004	AU 2003251055 A1 11-03-2004
		WO 2004018185 A1	04-03-2004
WO 2005023524	A	17-03-2005	NONE
US 2004138336	A1	15-07-2004	NONE
US 2004056378	A1	25-03-2004	AU 2003275083 A1 19-04-2004
		CA 2500012 A1	08-04-2004
		EP 1542858 A1	22-06-2005
		JP 2006504813 T	09-02-2006
		KR 20050061478 A	22-06-2005
		WO 2004028787 A1	08-04-2004
		US 2006230984 A1	19-10-2006
US 6403002	B1	11-06-2002	AT 222174 T 15-08-2002
		AU 7553898 A	08-12-1998
		CA 2290435 A1	19-11-1998
		DE 69807236 D1	19-09-2002
		DE 69807236 T2	10-04-2003
		DK 1009621 T3	11-11-2002
		EP 1009621 A1	21-06-2000
		ES 2179495 T3	16-01-2003
		JP 2001524897 T	04-12-2001
		NL 1006059 C2	17-11-1998
		WO 9851477 A1	19-11-1998
		PT 1009621 T	31-12-2002

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2008/002362

International filing date (day/month/year)
22.02.2008

Priority date (day/month/year)
22.02.2007

International Patent Classification (IPC) or both national classification and IPC
INV. B29C67/00

Applicant
Z CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Date of completion of
this opinion

See form
PCT/ISA/210

Authorized Officer

Ullrich, Klaus

Telephone No. +31 70 340-2173



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>2-4,10,11,13-18,23</u>
	No: Claims	<u>1,5-9,12,19-22,24-27</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-27</u>
Industrial applicability (IA)	Yes: Claims	<u>1-27</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1. The following documents are referred to in this communication:

D1: US-B1-6 416 850
D2: US-A-2004/038009
D3: WO-A-2005/023524
D4: US-A-2004/138336
D5: US-A-2004/056378
D6: US-B1-6 403 002

2. The following statements are made taking into account item VIII.

2.1 Independent claim 1

Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document)

A powder material system for three dimensional printing (column 3, lines 41 - 43) comprising:

a substantially dry particulate material (column 3, lines 42, 43) including:

an aqueous-insoluble thermoplastic particulate material (column 8, line 66 - column 9, line 1; column 9, line 20),

plaster (column 8, line 38), and

a water-soluble adhesive (column 8, line 17),

wherein the dry particulate material is suitable for use in three dimensional printing to form an article comprising a plurality of layers, the layers including a reaction product of the particulate material and an aqueous fluid that contacts the particulate material during three dimensional printing (column 3, line 41 - column 4, line 14).

The subject-matter of claim 1 is therefore not new (Article 33(2) PCT).

- 2.2 Documents D2, D3, D4, D5 and D6 disclose also the combination of features of claim 1. For more details see the International Search Report.

2.3 Independent claim **7**

Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document)

A kit comprising:

a substantially dry particulate material (column 3, lines 42, 43) including:
an aqueous-insoluble thermoplastic particulate material (column 8, line 66 - column 9, line 1; column 9, line 20),
plaster (column 8, line 38), and
a water-soluble adhesive (column 8, line 17);
an aqueous fluid binder (column 9, line 63); and
an infiltrant (column 4, line 17).

The subject-matter of claim **7** is therefore not new (Article 33(2) PCT).

2.4 Independent claim **19**

Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document)

A method for forming an article by three dimensional printing (column 3, line 54), the method comprising the steps of:

providing a particulate material comprising a plurality of adjacent particles (column 3, line 54), the particulate material comprising an aqueous-insoluble thermoplastic (column 8, line 66 - column 9, line 1; column 9, line 20);
applying to at least some of the plurality of particles an aqueous fluid binder in an amount sufficient to bond those particles together to define the article (column 3, lines 56 - 61); and
immersing the article in a liquid infiltrant medium (column 4, line 17).

The subject-matter of claim **19** is therefore not new (Article 33(2) PCT).

2.5 Independent claim **24**

Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document)

An article (column 3, line 41) comprising:

a product of:

a substantially dry particulate material (column 3, lines 42, 43) including:

an aqueous-insoluble thermoplastic particulate material (column 8, line 66 - column 9, line 1; column 9, line 20),

plaster (column 8, line 38), and

a water-soluble adhesive (column 8, line 17); and

an infiltrant (Column 4, line 17).

The subject-matter of claim **24** is therefore not new (Article 33(2) PCT).

2.6 Documents D2, D3 and D4 disclose also the combination of features of claim **7, 19** and **24**. For more details see the International Search Report.

3. Dependent claims **2 - 6, 8 - 18, 20 - 23** and **25 - 27**

3.1 Due to the lack of novelty of the subject-matter of independent claims **1, 7, 19** and **24**, it can at present not be confirmed whether the additional features of the various dependent claims fulfil the requirements of Rules 13(1) and (2) PCT.

3.2 However, dependent claims **2 - 6, 8 - 18, 20 - 23** and **25 - 27** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:

3.3 Document D3 also discloses the additional features of dependent claims **5, 6, 8, 9, 12, 20 - 22** and **25 - 27** (see the International Search Report).

The subject matter of claims **5, 6, 8, 9, 12, 20 - 22** and **25 - 27** is therefore not novel (Article 33(2) PCT).

- 3.3 The features of dependent claims **2 - 4, 10, 11, 13 - 18** and **23** are merely some of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problems posed.

Therefore, claims **2 - 4, 10, 11, 13 - 18** and **23** seem not to meet the requirements of article 33(3) PCT.

Re Item VII.

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1, D2, D3, D4, D5 and D6 is not mentioned in the description, nor are these documents identified therein.

Re Item VIII.

In respect of Article 6 PCT, the following is observed.

1. Claims **1, 7, 23** and **24** have been drafted as separate independent claims of the product category. Under further reference to the PCT-Guidelines 5.15 and 5.42, it can not be deducted from these independently drafted claims which features are essential for the definition of the area for which protection is sought. The aforementioned claims therefore lack conciseness.
2. Moreover, claim **23** comprises all the features of claim **24** and is therefore not appropriately formulated as a claim dependent on the latter, cf. Rule 6.4 PCT. They will be examined as dependent claims in the remaining part of this communication.
3. The terms "*substantially*" used in claim **1** and "*about*" used in claim **4** cause a lack of clarity in the definition of these claims, cf. the PCT Guidelines 5.38.

4. The term "*Bredt parameter*" used in claim 2 has no well-recognised meaning and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear, cf. the PCT Guidelines 5.34.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	<p>For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.</p>
Amending claims under Art. 19 PCT	<p>Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.</p>
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	<p>After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.</p>
End of the international phase	<p>At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).</p>
Relevant PCT Rules and more information	<p>Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003</p>